IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7622 of 2004

Kum.Soniya Meghraj Harepatil
through her natural guardian ..Petitioner

vs.

1. State of Maharashtra & Ors. ..Respondents

Shri V.S.Deokar with Shri Laxman Bedekar for petitioner
Shri N.P.Deshpande, A.G.P. for respondent nos. 1 and 2.

CORAM: A.P.SHAH &
S.U.KAMDAR JJ.
1st October, 2004

P.C.

1. Rule. Respondents waive service.

2. By consent, rule is made returnable forthwith.

3. Shri Deshpande, learned A.G.P. for the respondents very fairly conceded that the issue involved in this case is covered by an unreported decision of the Division Bench in Savita Panduragrao Bagal Vs. State of Maharashtra and others (Writ Petition No.2881 of 1994 decided on 7th October, 1994). The Division Bench has categorically held that the course of M.L.T. is consisting of science subjects and the same is equivalent to H.S.C.(Science). Similar is the view tlaken by different Division Benches in Savita

Narayan Murumude Vs. State of Maharashtra and ors. (Writ Petition No.2655 of 1994 decided on 1st September, 1994; Miss Rani d/o Murlidharrao Jadhav Vs. The Dean S.R.T.R.Medical College and others (Writ Petition No.3952 of 1999 decided on 2nd September, 1999 and Ms.Seema d/o Bharat Waghmode Vs. The Dean S.R.T.R.Medical College and others (Writ Petition No.3117 of 2001 decided on 14th September, 2001).

4. In the light of the above decision, we have no hesitation to hold that the Selection Committee has committed a serious error in excluding the name of the petitioner in the merit list. It has been pointed out to us that the petitioner would have been at Sr.No.5 of the merit list and would have straightway admitted on merit as per her position in the merit list. We are informed that the selection process is already over and all the seats are filled in. We, therefore, direct the respondents to create one additional seat in nursing course in Shri Chhatrapati Shivaji Maharaj General Hospital, Solapur and admit the petitioner against the additional seat without disturbing any candidates who are already admitted. We make it clear that this direction has been given in view of the peculiar facts and circumstances of the case and shall not be cited as a precedent in any other

case.

3. Rule is made absolute accordingly. No order as to costs.